

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

NET NAVIGATION SYSTEMS, LLC
Plaintiff,

v.

CISCO SYSTEMS, INC., et. al.
Defendants.

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CASE NO. 4:11-CV-660
Judge Schell

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 11, 2012, the report of the Magistrate Judge was entered regarding proposed findings and recommendations regarding the claim construction of the claim terms of United States Patent Nos. 5,901,147 ('147), 6,307,860 ('860), 6,434,145 ('145), and 6,625,122 ('122) (Dkt. 150).

The court has made a *de novo* review of the objections raised by Defendants (*see* Dkt. 155) and Plaintiff's response (*see* Dkt. 160) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate findings of the Magistrate Judge. Defendants assert a new argument, which was not raised in their original briefing. Defendants state:

The Magistrate Judge questioned whether Defendants implied a meaning to 'ordered' that is not necessarily limited to sequential (Rep. and Rec. at 23). Defendants contend that 'ordered' and 'sequential' mean the same thing in the context of the '860 patent; namely, that the data units travel end-to-end in the same sequence in which they were transmitted.

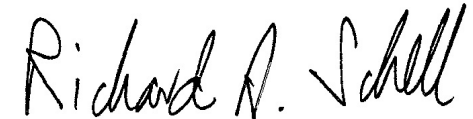
(*See* Dkt. 155, p. 17 at n.9). However, the court finds that this characterization by Defendants is irrelevant to the claim language at issue. Defendants' remaining objections address issues

already fully considered by the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, it is **ORDERED** that the Report and Recommendation of the United States Magistrate Judge regarding claim construction (Dkt. 150) is adopted, and the objections of Defendants are **OVERRULED**.

IT IS SO ORDERED.

SIGNED this the 27th day of March, 2013.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a capital 'R' and a period. The last name "Schell" is written with a capital 'S' and a period. The signature is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE